## Mailed October 23, 1998



# Public Service Commission of Wisconsin

Joseph P. Mettner, Chairman John H. Farrow, Commissioner Ave M. Bie, Commissioner 610 North Whitney Way P.O. Box 7854 Madison, WI 53707-7854

3270-CE-120

Mr. Gregory Bollom, Vice President of Marketing Madison Gas & Electric Company P.O. Box 1231 Madison, WI 53701-1231

Re: Application of Madison Gas and Electric Company for Authority to

Construct and Place in Service an 11.22 MW Wind Project Facility,

Located in the Town of Stockbridge, Calumet County or in the Towns

of Lincoln and Red River, Kewaunee County

Dear Mr. Bollom:

The Public Service Commission of Wisconsin (Commission) on May 22, 1998, received an application by Madison Gas and Electric (MGE), as an electric public utility, pursuant to Wis. Stat. § 196.49, and Wis. Admin. Code ch. PSC 112. The application seeks authority to construct and place into operation an 11.22 MW wind farm located in either the town of Stockbridge, Calumet County, or in the towns of Lincoln and Red River, Kewaunee County, at an estimated cost of \$14,500,000.

The facts appearing in Commission staff's October 8, 1998 memorandum and the October 5, 1998, environmental assessment, docket 3270-CE-120, form the factual basis for this order.

The Commission concludes the proposed project is necessary to satisfy the needs of the public for adequate electric service and that this project will satisfy MGE's portion of the 50 MW of new electric capacity that is generated from renewable resources as required by Wis. Stat. §196.377(2)(b).

The Commission also concludes the general public interest and public convenience and necessity require that MGE construct, install, and place into operation the proposed facilities described in the application at an estimated cost of \$14,500,000. The project will not substantially impair the efficiency of MGE's service, will not provide facilities in excess of probable future requirements, and will increase the quantity of energy and capacity in proportion to its cost.

The proposed facilities have been reviewed by the Commission for environmental impact. This is a Type II action under Wis. Admin. Code § PSC 4.10 (2). An environmental assessment was prepared to determine if an environmental impact statement is necessary under Wis. Stat.§ 1.11. It has been determined that no significant environmental impacts are likely. Therefore, an environmental impact statement is not required.

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The Commission, therefore, authorizes MGE to construct, install, and place in operation the proposed generating facilities so described at an estimated cost of \$14,500,000, and to proceed subject to the following conditions:

- 1. This determination is for authority to install and place in operation 17 Vestas 47 wind turbines, at either the Rosiere Site, the Stockbridge Site, or both, as described in the application. Should the scope or design of the project be changed significantly, or if the expected project cost exceeds that stated above by more than 10 percent, the utility shall promptly notify the Commission.
- 2. Final actual costs of the authorized facilities, segregated by major plant accounts, shall be reported to the Commission. For those accounts or categories where actual costs deviate significantly from those authorized, the final cost report shall itemize and explain the reasons for such deviations.
- 3. The avian studies underway at the Rosiere Site shall continue until December 31, 2000. In addition, MG&E shall meet with Commission environmental staff to develop acceptable protocols for measuring the number of nocturnal migrants in the project area and for measuring avian mortality at the wind farm after the project is in operation. Nocturnal migrant studies shall begin in the spring of 1999 and be concurrent with spring and fall population surveys. Mortality studies shall be conducted for two years after the project begins operation. Cost incurred for the avian studies subsequent to this order shall be limited to no more than \$200,000, subject to review by the Commission.
- 4. A field reconnaissance for endangered mollusks, as recommended by the Department of Natural Resources (DNR), shall be conducted at the Rosiere site. This reconnaisance shall be completed no later than 60 days after the date of this order.
- 5. If archeological artifacts or human burial remains are discovered on the site during construction, the utility shall notify immediately both the State Historical Society of Wisconsin and the Commission.
- 6. Erosion control shall be employed to prevent soil erosion. The DNR's Best Management Practices for Water Quality should be used as a guide.
- 7. The utility shall notify the Commission of the date the facilities are placed in service.
- 8. This authorization is valid only if this project is started within one year of the date of this order, subject to reopening upon a showing of good cause by the utility.

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The expenses incurred by the Commission that are reasonably attributable to the investigation of this application will be assessed against and collected from the utility as authorized under Wis. Stats. § 196.85 and Wis. Admin. Code ch. PSC 5.

Dated at Madison, Wisconsin, _	
By the Commission:	
Lynda L. Dorr	
Secretary to the Commission	

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cc: Records Management, PSCW Paul C. Helgeson, PSCW Barbara Pickhardt, PSCW

See attached Notice of Appeal Rights.

## Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in Wis. Stat. § 227.01(3), a person aggrieved by the order has the further right to file one petition for rehearing as provided in Wis. Stat. § 227.49. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

Revised 9/28/98

MADISON GAS & ELECTRIC CO

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DOCKET 3270-CE-120 RECORDS MANAGEMENT